

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FIFTH DIVISION

In Re: Charles W. Smith, and  
Harriet L. Smith,  
  
Debtors.

Bankruptcy Case No. 14-50760  
Chapter 7

---

David W. Claypool and  
Donna L. Claypool,

Adv. Proceeding No.: 15-05003

Plaintiffs,

v.

Charles W. Smith, and Harriet L. Smith,  
  
Defendants.

---

**Stipulation of Dismissal**

---

TO: TRUSTEE, U.S. TRUSTEE AND OTHER PARTIES IN INTEREST

1. Charles W. Smith and Harriet L. Smith (hereafter “Debtors” and/or “Defendants”), 12141 Pinedale Street, Crosslake, MN 56442-0535, are the debtors in this case.
2. David W. Claypool and Donna L. Claypool (hereafter “Plaintiffs”) are individuals residing at 12150 Pinedale Street, Cross Lake, MN 56422-2122.
3. Plaintiffs commenced an adversary proceeding on January 22, 2015, seeking to exempt the debt owed to them by the Debtors from discharge pursuant to 11 U.S.C. § 523(a)(2)(A).
4. Defendants subsequently moved to dismiss Plaintiffs’ adversary proceeding under 11 U.S.C. § 727 for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6).
5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, Federal Rule of Bankruptcy Procedure 5005 and Local Rule 1070-1. The adversary proceeding and motion to dismiss the same are core proceedings.

6. Plaintiffs and Defendants have resolved their dispute by entering into a Settlement Agreement and Release, and as such, hereby stipulate, through their undersigned counsel, to have Adv. Proceeding No.: 15-05003 and any motions related thereto dismissed with prejudice.

Dated this 20<sup>th</sup> day of June, 2015.

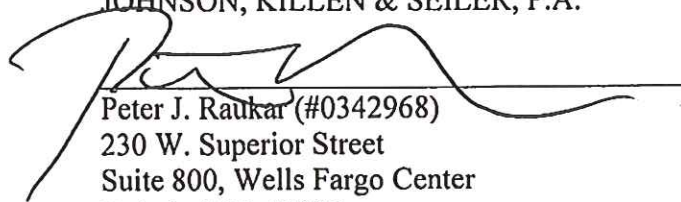
ED SHAW LAW OFFICE



---

Edward R. Shaw (#262912)  
722 South Sixth Street  
Brainerd, MN 56401  
218-825-7030  
*Attorney for Plaintiffs*

JOHNSON, KILLEN & SEILER, P.A.



---

Peter J. Raukar (#0342968)  
230 W. Superior Street  
Suite 800, Wells Fargo Center  
Duluth, MN 55806  
(218) 722-6331  
*Attorney for Defendants*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re	)	
	)	
Charles W. Smith and	)	BKY 14-50760
Harriet L. Smith,	)	Chapter 7
	)	
Debtors.	)	
_____	)	
	)	
David W. Claypool and	)	
Donna L. Claypool,	)	
	)	Adv. No.: 15-05003
Plaintiffs,	)	
	)	
vs.	)	
	)	
Charles W. Smith and	)	
Harriet L. Smith,	)	
	)	
Defendant.	)	

---

**ORDER FOR DISMISSAL**

---

David W. Claypool and Donna L. Claypool ("Plaintiffs") by and through their attorney, Edward R. Shaw, and Charles W. Smith and Harriet L. Smith ("Defendants") by and through their attorney, Peter J. Raukar having executed and filed a Stipulation for Dismissal.

**IT IS ORDERED:**

That based upon the party's Stipulation of Dismissal dated June 26, 2015 and filed with the Court on July 20, 2015, the Adversary Case No. 15-05003 and any motions related thereto are hereby dismissed with prejudice.

Dated: \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chief United States Bankruptcy Judge